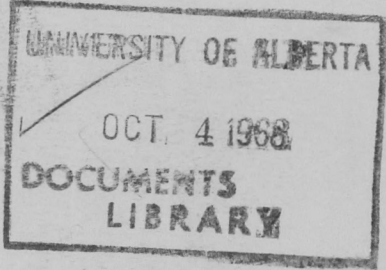


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Canada Department of Agriculture

Hand *Book*
on the
Sale and Handling of Grain
through a
Country *Elevator*

K = Grain handling

GENERAL SCIENCES

ONE WEEK LOAN

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1966

Published under the Authority of
the Minister of the Department of Agriculture

Issued by
the Board of Grain Commissioners for Canada
Winnipeg, Canada, 1966

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Canada Department of Agriculture

Hand Book
on the
Sale and Handling of Grain
through a
Country Elevator

Extracts from
The Canada Grain Act
and
Canada Grain Regulations

Issued by
The Board of Grain Commissioners for Canada

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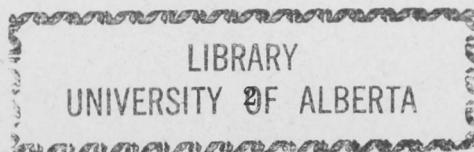
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FOREWORD

The purpose of this Handbook is to bring together the provisions of the Canada Grain Act and Canada Grain Regulations that apply to licensed country elevator operations. The reader who wishes further information should refer directly to the Canada Grain Act and Canada Grain Regulations.

THE CANADA GRAIN ACT

In 1912 the Parliament of Canada amended and consolidated the Manitoba Grain Act, the Manitoba Inspection Act and the Inspection and Sales Act into the Canada Grain Act. This Act regulates the handling, storage and transportation of grain in Canada. It provides for the administration of the Act by a board known as "The Board of Grain Commissioners for Canada". In 1930, the Act was completely rewritten and brought up to date and in 1939 further amendments clarified certain sections. Other amendments were made in 1940, 1947, and 1950. In 1952 the Act was re-issued as Chapter 25 of the Revised Statutes. Later amendments were made in 1952, 1955 and 1962. Copies of the Act may be procured from the Queen's Printer and Controller of Stationery, Ottawa, Ont.

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EXTRACTS FROM THE CANADA GRAIN ACT

Power to Issue Licences

79. (1) Upon written application the Board may grant licences under this Act of the following classes:

- (a) Elevator licences;
- (b) Commission Merchant's licences;
- (c) Track Buyer's licences; and
- (d) Grain Dealer's licences.

(2) Not more than one kind of elevator licence shall be granted to any elevator and the Board may in its discretion determine what kind of elevator licence shall be granted to any elevator, having regard to the nature of the business carried on thereat, its equipment, and the intent and purpose of the terms of this Act.

(3) The Board shall, before issuing any licence under this Act, require the applicant for such licence to furnish security, by bond with proper sureties or otherwise to the satisfaction of the Board, for the due performance by the licensee of all the obligations which may be imposed upon him by this Act, by the regulations or by the terms of the licence applied for, and for the payment by him of all sums that may become due under any contract made by him as such licensee or under any order of the Board made in the exercise of the jurisdiction by this Act conferred upon it.

(4) Any such security may be realized or enforced by Her Majesty or by any other person who has suffered damage by reason of the refusal or failure of the licensee or anyone acting on his behalf to perform any such obligation or to make any such payment.

(5) Nothing in this section requires the giving of security by any person or body of persons appointed by Her Majesty for the performance of any duties for the performance of which a licence is required under this Act or by the National Harbours Board constituted by the National Harbours Board Act. 1939, c. 36, s. 33.

Revocation of Licence

80. (1) Every licence issued under this Act shall be subject to suspension or revocation by the Board upon its being established to the satisfaction of the Board either that the licensee has refused or failed to comply with any such obligation or to make any such payment as is specified in section 79, or that any person acting on behalf of such licensee has so refused or failed and that the licensee has not taken adequate measures to ensure against such refusal or failure.

(2) No licence shall be suspended or revoked unless the licensee has been afforded an opportunity to adduce evidence if he so desires

and to be heard either before the Board or before the commissioner or assistant commissioner upon whose recommendation the Board acts. 1930, c. 5, s. 80.

Charges by Licensee

83. (1) No charges other than the maximum charges authorized by the Board shall be made by any licensee for any services performed by him pursuant to his licence unless such licensee desires to make lower charges than those so authorized and has, at least three days before making such lower charges, filed a schedule thereof with the Board, in which case no charges other than those specified in the schedule shall be made by such licensee until three days after such schedule has been withdrawn or superseded by another.

(2) Every manager of a licensed elevator shall have a lien upon any grain in his possession for charges for the handling, storage or carriage of such grain properly incurred under this Act.

(3) Grain remaining in store in any elevator and on which the charges for the handling, storage or carriage properly incurred under this Act are in arrears for more than one year may be sold by auction or public tender to cover such charges after such notice has been given of the sale and the terms thereof as shall be directed by the Board by regulations or otherwise. 1930, c. 5, s. 83. 1939, c. 36, s. 36.

Forms of Ticket, Receipt or Note

85. (1) Every licensee under this Act shall at all times keep available for use a supply of all such forms of ticket, receipt or note as are authorized to be used by him pursuant to the provisions of this Act.

(2) All tickets, receipts, or notes of each kind shall be bound together and no licensee shall issue any ticket, receipt or note except from such a book.

(3) Every ticket, receipt or note shall be made out at least in duplicate, and at least one of each pair or set shall be written on a sheet which is not adapted to be detached from the book and shall not be detached therefrom.

(4) Each ticket, receipt or note or each set shall bear the same number which shall be printed thereon, and the numbers on each set shall be consecutive in each book: receipts, tickets or notes shall be made out in the order of their number.

(5) The same number shall not be used more than once by any licensee during any crop year.

(6) One duplicate, or one of each pair or set of tickets, receipts or notes made out by any licensee in respect of any transaction evidenced thereby shall be detached from the book in which it is bound and delivered by the licensee to the other party to such transaction.

(7) When any ticket, receipt or note is lost or destroyed and another is issued in its stead, the latter shall be marked across its face with the words "Duplicate issued in lieu of (naming the kind of ticket, receipt or note) Number, issued and dated on the"

(8) When any ticket, receipt or note is surrendered and a fresh one issued in respect of any of the grain in the one first described, the ticket, receipt or note subsequently issued shall be marked across its face with the words "Partial renewal of (naming the kind of ticket, receipt or note) Number issued and dated on the " 1930, c. 5, s. 85.

Licensee to Permit Access to Scales

88. (1) Every person who on behalf of a licensee under this Act is in control of scales adapted to the weighing of grain shall permit any person authorized by the Board or any officer of the Board whose duty it is to weigh grain to have access to such scales at any time for the purpose either of using or of examining or testing such scales.

(2) Any breach of the provisions of this section is punishable on summary conviction by imprisonment for not more than six months. 1930, c. 5, s. 88.

Manager of Elevator Must be Licensed

89. (1) Neither the manager of an elevator nor anyone acting on his behalf shall, in any record or acknowledgment of the receipt or discharge of any western grain into or out of such elevator, use any grade name to describe the grain so received or discharged, unless the manager of such elevator has obtained a licence to operate the same under this Act.

(2) Any breach of the provisions of this section is punishable on summary conviction by imprisonment for not more than six months or a fine not exceeding two hundred dollars, and the manager of any elevator is liable for any punishment by way of fine that might be imposed upon any person acting on his behalf, unless he establishes that the person who acted on his behalf had received express instructions from him, which, if they had been followed, would have avoided any breach of the provisions of this section. 1930, c. 5, s. 89; 1939, c. 36, s. 37.

Only Licensed Manager May Issue Ticket, Receipt or Note

90. (1) No person shall issue or sign any ticket, warehouse receipt or note pursuant to this Act respecting western grain received into or stored in any elevator unless he is the holder of a licence as manager of such elevator or is a person expressly authorized by such manager to issue such ticket, receipt or note.

(2) Any breach of the provisions of this section is punishable on summary conviction by imprisonment for not more than six months or a fine not exceeding two hundred dollars. 1930, c. 5, s. 90; 1939, c. 36, s. 38.

Weighing on Receipt

91. No western grain shall be received into any licensed elevator without being weighed immediately before or during its receipt. 1930, c. 5, s. 91.

Examination by Inspecting Officer

92. (1) Every licensed elevator, its equipment and all grain therein or in course of delivery into or out of the same shall be subject at any time to examination by any inspecting or other officer acting under the direction of the Board and the operator and manager of every elevator shall afford to every such officer full facilities for the examination of every part of the same, its equipment and contents, and for the weighing of the grain therein.

(2) Any breach of the provisions of this section is punishable on summary conviction by imprisonment for not more than three months or by a fine not exceeding one hundred dollars. 1930, c. 5, s. 92.

Actual Receipt and Delivery is Required

93. (1) No cash purchase ticket, elevator receipt, warehouse receipt or other acknowledgment of receipt or custody shall be issued in respect of any grain that has not actually been delivered at and received into any licensed elevator into which such receipt shows it to have been received, and not more than one such ticket or receipt shall be issued or permitted to be outstanding in respect of any given quantity of grain so delivered and received.

(2) Any breach of the provisions of this section is punishable on summary conviction by imprisonment for not more than six months or by a fine not exceeding two hundred dollars. 1930, c. 5, s. 93.

Surrender of Receipts or Notes

94. (1) The operator or manager of any licensed elevator shall, upon payment of all proper charges in respect of the grain covered by any elevator or warehouse receipt, accept a surrender of such receipt for consolidation or division and issue in lieu thereof one or more fresh receipts covering the whole or part of the grain therein described as the circumstances require.

(2) This section does not apply to the division of any warehouse receipt issued by the operator or manager of a terminal elevator unless such operator or manager consents to such division. 1930, c. 5, s. 94.

Deteriorated Grain to be Kept Separate

95. No grain that, after having been graded under this Act, is found by the operator of any licensed elevator (other than a mill elevator) to have deteriorated or to be likely to become out of condition shall, after having been so found, be binned with any other grain, but such grain shall be kept separate and apart from all other grain until after it has been certified by an officer of the Board to be in good condition. 1930, c. 5, s. 95.

Grain Stored May be Security for Advances

96. (1) Notwithstanding anything in the Bank Act, when an elevator or warehouse receipt is outstanding in respect of any grain

delivered into an elevator, no charge or interest in the grain covered thereby that affects the interest of the holder of the receipt may be created by such holder or by the operator or manager of such elevator otherwise than by the endorsement or delivery of such receipt to the person in whose favour the charge or interest is created.

(2) This section does not apply to the creation pursuant to this Act of a lien for charges for the handling, storage or carriage of grain properly incurred under this Act. 1930, c. 5, s. 96 .

Fee for Licence

105. The fee payable for the issue of a licence to the manager of a country elevator is five dollars for each such elevator. 1930, c. 5, s. 105.

Daily Statement to Nearest Station Agent

106. (1) The operator or manager of every licensed country elevator shall, at the same time on every day on which such elevator is open for business, furnish to the nearest station agent of the railway company on whose line of railway such elevator is situate, a statement of the total quantity of grain received into such elevator on that day, and of the total quantity in store at the time the statement is furnished.

(2) Any breach of the provisions of this section is punishable on summary conviction by a fine not exceeding twenty-five dollars. 1930, c. 5, s. 106.

Facilities to Verify Weight

107. The operator and manager of every licensed country elevator shall afford full facilities to any person by whom grain is delivered to such elevator to verify the correct weight of the grain delivered as the same is being weighed. 1930, c. 5, s. 107.

Receipt of Wheat From Railway Cars

108. Notwithstanding anything in this Act no operator or manager of a licensed country elevator shall receive wheat into such elevator from railway cars except as may be provided by regulation or order of the Board for seed grain or feed distribution or for the conservation of storage or for milling or manufacture at such elevator. 1950, c. 24, s. 5.

To Receive Grain Without Discrimination

109. (1) Except as provided in section 108, the operator or manager of every licensed public country elevator shall, at all reasonable hours on each day upon which the elevator is open, receive all grain offered thereat for storage without discrimination and in the order in which it is offered, provided that there is in the elevator available storage accommodation for grain of the variety and grade of such grain and of the character desired by the person by whom the grain is offered.

(2) Nothing in this section requires the operator or manager of any elevator to receive any grain that has become or is in a condition such that it is likely to become out of condition.

(3) Any breach of the provisions of this section is punishable on summary conviction by imprisonment for not more than six months or by a fine not exceeding five hundred dollars. 1930, c. 5, s. 108; 1939, c. 36, s. 42.

Cash Purchase Tickets, Receipts or Assignments

110. (1) Upon the delivery of each lot or parcel or grain at any licensed public country elevator, the operator or manager thereof shall sign and deliver to the person by whom the grain is delivered a cash purchase ticket, or elevator receipt in such one or other of the Forms 1 to 5 in Schedule Three as the case may require, or in such other form as may have been authorized by the Board to be used in substitution for or in addition to any of the said Forms. (See sec. 93 (1)).

(2) Nothing in this section empowers the Board to authorize the use of any form of cash purchase ticket or elevator receipt that does not specify the date of its issue, the name of the person from whom the grain is received, the gross and net weight of the grain, the dockage therefrom and grade thereof, if agreed upon, or the mode of ascertaining the same, the charges to be made in respect of the grain and the terms upon which it is to be delivered or paid for, which terms shall not differ substantially from the terms set out in the forms in Schedule Three. 1930, c. 5, s. 109.

Special Bin Accommodation

111. (1) Where grain is offered at any licensed public country elevator for storage in a separate bin, and the operator or manager of such elevator agrees to provide separate bin accommodation therefor, the grain offered shall be placed by itself in a separate bin and a special bin elevator receipt shall be issued therefor.

Sample

(2) At the time of the receipt of any such specially binned grain a sample thereof shall be taken, placed in a receptacle and dealt with in such manner as may be prescribed by the Board.

Disputes

(3) Where between the manager of the elevator and any person who is or has been the holder of a special bin elevator receipt there arises any dispute as to the fulfilment of such manager's obligation to keep such grain separate from other grain, the sample taken as aforesaid may be submitted for examination under this Act, as may be directed by regulation and the Board, if after inquiry it considers that the grain has not been kept separate from other grain in the elevator, may make an order for the payment by the manager thereof to the holder aforesaid of such sum as may in the circumstances appear just and equitable.

(4) No order shall be made by the Board under subsection (3) unless the sample has been despatched for inspection within thirty days from the date upon which the inspection certificate issued in respect of the grain upon its delivery to a terminal elevator has been delivered

or mailed to the holder of the elevator receipt who has required the submission of the sample to the chief grain inspector. 1930, c. 5, s. 110.

Where Grade and Dockage Agreed Upon

112. Where grain is offered at any licensed public country elevator for sale or ordinary storage and the person offering the same and the operator or manager of the elevator agree as to the grade thereof, and the proper dockage therefrom, an ordinary cash purchase ticket or elevator receipt shall be issued in respect of such grain, describing it by reference to the grade and stating the dockage agreed upon. 1930, c. 5, s. 111.

Cases of Disagreement

113. (1) Where grain is offered at a licensed public country elevator for sale or ordinary storage, but the person offering the same and the person in charge of the elevator do not agree as to the grade thereof or the proper dockage therefrom, a sample shall be taken and placed in a receptacle in such manner as may be prescribed and shall be submitted for examination under this Act as may be directed by regulation.

(2) Pending the receipt of a report on the grading of such sample the operator or manager of the elevator shall issue in respect thereof an interim cash purchase ticket or interim elevator receipt.

(3) Upon the receipt of the report of an inspecting officer under this Act as to the grade of the sample and the dockage therefrom, the interim ticket or receipt issued for the grain may be surrendered and there shall be issued in lieu thereof an ordinary ticket or receipt for grain of the grade reported by the inspecting officer subject to the dockage specified by him. 1930, c. 5, s. 112.

Grain Cleaned Forthwith or Specially Binned

114. (1) Where the person offering grain for storage at any public country elevator equipped to clean grain, requests that such grain be cleaned before the character of the storage is finally determined, the same shall either forthwith be cleaned, being weighed both before and after such cleaning, or if the operator or manager so agrees, shall be placed in a separate bin until the same has been cleaned, a special bin elevator receipt being issued in respect thereof stamped in such form as the Board may direct to identify said grain.

Cleaning

(2) Grain offered as aforesaid subject to cleaning shall be cleaned at the time of the delivery thereof at the elevator unless otherwise agreed or unless compliance with the request for such cleaning would prevent the receipt into such elevator of any other grain as the same is offered for delivery thereto. 1930, c. 5, s. 113; 1939, c. 36, s. 43.

Delivery to Car of Identical Grain

115. (1) When the holder or holders of any elevator receipts covering grain in store in a licensed public country elevator have caused to be placed at such elevator a railway car or others conveyance for the purpose of receiving such grain, the operator or manager of such elevator shall discharge forthwith into such car or other conveyance to the extent of its capacity, the identical grain, or the quantity and grade of grain, to which the holders of the elevator receipts are entitled, as the case may require.

Prompt Billing of Car as Directed

(2) Forthwith upon the loading of any railway car as aforesaid the operator or manager shall, if so requested by the holder or holders of the elevator receipts cause such car to be billed to such terminal elevator or other consignee as may have been directed by the holder or holders and shall, upon obtaining the consignee's receipt for the grain, and upon the surrender of the elevator receipts and the payment of the freight charges if any and all other lawful charges in respect of the grain, deliver the consignee's receipt to the holder of the elevator receipts.

Where all Grain is not Covered by Receipts or Notes

(3) Where the consignee's receipt does not cover all the grain covered by any elevator receipt, there shall be exchanged therefor, in addition to the consignee's receipt, a new elevator receipt for the balance of such grain. 1930, c. 5, s. 11^c

Surrender of Elevator Receipt

116. The operator or manager of any public country elevator to whom any elevator receipt is surrendered by the holder before the consignee's receipt is ready for delivery to him shall deliver to the holder of such elevator receipt an acknowledgment of the delivery thereof, specifying the date of the surrender, the name of the holder, the character and number of the elevator receipt and the name of the consignee to whom the grain therein described has been directed by the holder to be consigned. 1930, c. 5, s. 115.

Sale to Operator or Manager

117. (1) Where any grain in store in any licensed public country elevator is purchased by the operator or manager of such elevator, the elevator receipt issued therefor shall be surrendered, and there shall, in lieu thereof, be issued to the person by whom it is surrendered a cash purchase ticket for the full amount of the purchase money.

Date of Ticket or Cheque

(2) Any such cash purchase ticket shall be dated on the day upon which the elevator receipt is surrendered. 1930, c. 5, s. 116.

Forwarding of Grain to Terminal Elevator

118. (1) The operator or manager of any public country elevator may, after forty-eight hours notice to the holder of any elevator receipt covering grain in the said elevator, cause such grain to be shipped to any terminal elevator in the Western Division.

Shipment to Duluth or Superior

(2) Where the country elevator is situated on a line of the Great Northern Railway or on the line of railway formerly known as the Northern Pacific and Manitoba Railway, shipment as aforesaid may be made to a terminal elevator at Duluth or Superior in the United States of America instead of to a terminal elevator in the Western Division.

Notice to Holders of Receipt

(3) Any notice under this section shall be given in such manner as to reach the holder of any elevator receipt affected, or some person who has authority from such holder to order a car for the shipment thereof, so that such holder or such other person should in the usual course receive such notice at least forty-eight hours before the grain is discharged from the elevator.

Waiver of Notice

(4) Any holder of an elevator receipt may, in writing, waive the giving of notice under this section; any such waiver shall be in such form as the Board may specify and not otherwise. 1930, c. 5, s. 117; 1939, c. 36, s. 44.

Pooling Prohibited

119. (1) No manager of a licensed public country elevator shall, without the express approval of the Board, enter into any arrangement with any other such manager for the pooling of the earnings or receipts from such elevator.

Penalty

(2) Any breach of the provisions of this section is punishable on indictment by imprisonment for not more than two years or by a fine not exceeding five thousand dollars or on summary conviction by imprisonment for not more than six months or by a fine not exceeding two hundred dollars. 1930, c. 5, s. 118.

Rates to be Same

120. (1) The rates charged for the handling and storage of grain shall be the same at every licensed country elevator having the same manager.

Exception

(2) The Board may order that this section shall not apply to any specified country elevator at which the Board is satisfied that lower rates than are charged at other elevators having the same manager are necessary in order to meet special competition. 1930, c. 5, s. 119.

Person Violating this Act

162. Every person who is guilty of any breach of any of the provisions of this Act for which no special penalty is provided, or of any breach of any regulation or order made pursuant thereto, is, if an individual liable on summary conviction to imprisonment for not more than three months or to a fine not exceeding five hundred dollars, and if a corporation, is liable on indictment or on summary conviction to a fine not exceeding one thousand dollars. 1930, c. 5, s. 149; 1939, c. 36, s. 60.

CANADA GRAIN REGULATIONS

Section 15 of the Canada Grain Act states — "The Board may make regulations or orders not inconsistent with this Act". These have the same force and effect as the Act itself. All regulations are published in the Canada Gazette.

COUNTRY ELEVATORS

Procedure — General

5. The manager of an elevator shall
 - (a) keep posted in a conspicuous place in the driveway to the elevator
 - (i) the licence to operate the elevator,
 - (ii) Schedules B and F to these Regulations, being the Maximum Tariff and Shrinkage Allowances for Country Elevators,
 - (iii) a copy of this Part of the Regulations, and
 - (iv) a diagram showing the location and numbers of the bins in the elevator on a sale of not less than one-half inch to one foot;
 - (b) keep available in a conspicuous place for reference by any person a copy of the official handbook issued by the Board entitled "Sale and Handling of Grain through a Country Elevator"; and
 - (c) destroy all regulations in his possession that have expired or have been revoked.

6. (1) Subject to subsection (2) where grain stored in an elevator is shipped or delivered, the net weight shown on the elevator receipt is conclusive evidence as to the weight of the grain.

(2) Where an investigation by the Board indicates that the weight shown on the elevator receipt is not true weight of the grain, the receipt shall be amended in accordance with the findings of the Board.

7. Where the quantity of grain on arrival at the destination of the grain is less than the quantity covered by the elevator receipts for the grain, the owner of the grain shall be paid for the quantity shown on those receipts at the price at which the grain was sold.

8. Subject to subsection (2) of section 6, the owner of the grain is entitled only to the quantity of grain specified on the elevator receipt.

9. Where there is a dispute as to the weighing accuracy of scales, the manager of the elevator shall supply evidence in proof that the scales determine weight accurately.

10. (1) The manager of an elevator shall make out all shipping bills for grain shipped through the elevator and shall advise such parties of the shipment as the owner of the grain directs.

(2) All artificially dried grain delivered to an elevator shall be declared to be dried grain and, where that grain is shipped, the bill of lading and waybill shall carry the notation "Dried".

11. Where a railway car is supplied at an elevator on the application of any person other than the manager of the elevator, the manager shall not load into that car any grain other than

(a) in the case of special bin grain, grain delivered by that person; or

(b) in the case of grain other than special bin grain

(i) grain delivered by that person, or

(ii) grain that is of a like quantity, kind and grade to the grain delivered by that person.

12. (1) The owner of grain in an elevator who ships the grain to any point where government weights are not obtained shall accept the weight determined by the elevator manager at the shipping point as being the weight of the grain, as final, unless that weight is proved to be incorrect.

(2) Where grain is shipped in circumstances set out in subsection (1), the manager of the elevator shall, on request from the owner of the grain, supply the owner with a statement as to the actual grain shipped and delivered.

13. The manager of an elevator or warehouse

- (a) shall, upon request by the Board at any time, produce registered warehouse receipts or bills of lading for all grain that has been shipped from the elevator or warehouse for which elevator receipts are outstanding; and
- (b) shall not assign, mortgage, pledge or hypothecate any grain stored in the warehouse for which elevator receipts are outstanding.

Receipts for Grain

14. (1) Where grain is stored in a public country elevator for cleaning under section 114 of the Act, the manager of the elevator shall issue for the grain a special bin elevator receipt in Form 1 of Schedule Three to the Act or Form 1 of Schedule K to these Regulations endorsed as follows:

To be cleaned before Being Shipped or Settled For and No Shrinkage to be Deducted until the Surrender of This Receipt.

(2) The receipt described in subsection (1) shall be surrendered by the holder thereof after the grain is cleaned and the manager of the elevator shall thereupon issue such appropriate receipt or receipts as may be requested or as the circumstances determine.

(3) Where grain is delivered to an elevator for cleaning and return to the owner of the grain, the manager of the elevator may issue, in lieu of a receipt described in subsection (1), a cleaning receipt for the grain in Form 2 of Schedule K.

16. The manager of a public country elevator may sign and deliver to a person delivering grain a cash ticket or elevator receipt in such one of Forms 4 to 7 of Schedule K to these Regulations, as the case may require in lieu of a cash purchase ticket or elevator receipt in Forms, 2, 3, 4 or 5 of Schedule Three to the Act.

17. The manager of an elevator may vary the form of any cash purchase ticket or elevator receipt referred to in section 16 by re-arranging the scale record to provide for the deduction of shrinkage allowance before the weight of grain unloaded is converted to bushels and tenths or bushels and pounds.

18. The manager of an elevator may, notwithstanding subsection (2) of section 85 of the Act, issue cash purchase tickets from a devise that retains copies of the tickets as adequately and securely as if bound in a book.

19. Where there is a disagreement as to grade and dockage or where grain is received subject to inspector's grade and dockage, the elevator receipt issued for the grain shall have incorporated thereon at the time of issue the grade offered to the owner of the grain by the manager of the elevator.

Tests for Moisture

20. Where any person requests that an official test be made as to the moisture content of any grain, a sample not less than eight ounces in weight shall be taken from the bulk of the grain the sample represents, placed in a metal air-tight container forthwith and forwarded to the chief inspector or the inspector in charge of an inspection point.

Drawing of Samples

21. (1) Where special bin elevator receipts, interim elevator receipts or interim cash purchase tickets are issued for grain, a sample satisfactory to the manager of the elevator and the person delivering the grain shall be drawn from each load by the manager in the presence of that person.

(2) Where samples are drawn under subsection (1),

- (a) the samples shall be placed and properly mixed in a suitable container supplied by the manager and satisfactory to the Board;
- (b) the container shall be secured by a padlock supplied by the owner of the grain who shall retain the key therefor; and
- (c) the container shall thereupon be placed by the manager in a locked cabinet or storeroom the key to which the manager shall retain.

(3) A sample of grain drawn under subsection (1) shall be retained for thirty days after receipt of an inspection certificate covering delivery of the grain at the place where the certificate was issued.

Inspection of Samples

22. (1) Where a sample of grain is to be forwarded for determination of its grade and dockage, a quantity of the grain of at least one and one-half pints and satisfactory to both the manager of the elevator and the owner of the grain shall be drawn from the container described in section 21 by the manager in the presence of the owner.

(2) Where a sample of grain is drawn under subsection (1), the sample shall be

- (a) forwarded jointly by the manager and owner in a suitable container that is sealed and marked "subject to inspector's grade and dockage" to the inspector in charge of an inspection point; and
- (b) accompanied by a request in writing from the manager or owner that the inspector examine the sample and report on the grade and dockage that the grain, as represented by the sample, would in his opinion receive if shipped to a terminal point for official inspection.

(3) Upon receipt of a sample of grain forwarded in accordance with subsection (2), the inspector shall examine and determine the grade

and dockage of the sample and transmit a copy of his decision in writing to each interested party.

(4) Where an interim elevator receipt or cash purchase ticket has been issued for grain, a sample of which has been forwarded for determination of grade and dockage under this section, the manager of the elevator shall, upon receipt of the determination of the inspector,

- (a) issue in lieu of the interim receipt or ticket, an ordinary elevator receipt or cash purchase ticket bearing the same date as the interim receipt or ticket for grain
 - (i) in the full amount of the grain taken into store,
 - (ii) having the grade reported by the inspector; and
 - (iii) subject to the dockage specified by the inspector; and
- (b) handle the grain thereafter in the same manner as other graded stored grain.

(5) Where at the time of the delivery of grain a sample of which is forwarded for determination of grade and dockage under this section the owner of the grain and the manager of the elevator agree that the grain is tough, damp, moist or wet and the receipt or ticket is marked "Out of condition", "Tough", "Damp", "Moist" or "Wet", then, irrespective of the grade given to the grain by the inspector, the grain retains the off grade qualification.

(6) Where any person interested in grain is dissatisfied with the official grade or dockage assigned by an inspector under subsection (3) to a sample of the grain, that person may request that the chief grain inspector re-inspect the sample.

(7) A request that the chief grain inspector re-inspect a sample of grain shall be made to the principal inspecting officer at the place where the sample is and thereupon that officer shall send the sample to the chief grain inspector for re-inspection.

(8) Upon receipt of a sample forwarded in accordance with subsection (7), the chief grain inspector shall examine and determine the grade of the sample and transmit a copy of his decision in writing to each interested party.

(9) The decision of the chief grain inspector in respect of the grade and dockage of a sample is final.

(10) Upon receipt of the determination by the chief grain inspector of the grade and dockage of a sample re-inspected under this section, the elevator manager shall,

- (a) if the sample is assigned to a higher grade, issue additional elevator receipts or cash purchase tickets to cover the increased value of the grain; or
- (b) if the sample is assigned a lower grade, be entitled to a refund from the owner of the grain in the amount of the decreased value of the grain.

23. (1) Where the holder of a special bin elevator receipt, within fifteen days after receipt of the advice of inspection issued in respect of the grain upon its delivery to a terminal elevator, complains to the manager of the elevator at which the grain was offered for storage that the identity of the grain was not preserved or that the grain was not given a satisfactory grade

- (a) the sample taken in accordance with section 21 shall be forwarded jointly by the owner of the grain and the elevator manager to the chief grain inspector;
- (b) the container shall be marked "Special bin grain";
- (c) the key to the lock on the container shall be forwarded under separate cover by the owner to the inspector; and
- (d) a letter shall be forwarded by the manager asking that the inspector compare the sample with the sample taken at the time of inspection and state whether in his opinion the identity of the grain has been preserved.

(2) Upon receipt of a sample of grain forwarded under subsection (1), the inspector shall

- (a) compare the two samples as requested;
- (b) determine whether the identity of the grain has been preserved;
- (c) assign a grade to grain the identity of which he considers has not been preserved; and
- (d) transmit a copy of his decision in writing to each interested party.

(3) Where, upon receipt of the decision of the inspector, the manager of the elevator and the owner of the grain are unable to reach an amicable settlement, either of them may request the Board to inquire into the matter and make an order under Section 111 of the Act.

Receipt of Wheat from Railway Cars

24. (1) The manager of an elevator who wishes to receive wheat into the elevator from railway cars for seed grain or feed distribution or for the conservation of storage shall submit to the Board an application for permission to receive grain stating

- (a) the name of the point at which and the rail line on which the elevator is located;
- (b) the number of carloads of wheat to be delivered;
- (c) the name of the points from which and the rail lines on which the wheat is to be shipped;
- (d) the number of carloads to be shipped from each point; and
- (e) the purpose for which the wheat is to be received.

(2) No railway company shall deliver wheat to a country elevator unless it has first received from the Board permission in writing to make that delivery.

Treatment of Grain at Elevators Prohibited

25. (1) Mercurial compounds and other poisonous materials shall not be used for the treatment of grain or stored in any portion of a licensed elevator or any annex thereto that is used for the storage or handling of grain.

(2) No grain that is treated with mercurial compounds or other poisonous materials shall be stored in or handled through any licensed elevator premises or any annex thereto.

Circular No. 317

Section 25 of the Canada Grain Regulations prohibits the treatment of grain with poisonous materials in licensed premises.

To further clarify this section, the Board directs that:

- (1) Any machine or equipment installed for treating seed with fungicides, whether these fungicides are dust or liquid, must be installed in a separate and distinct building.
- (2) Storage of treating compounds must not be in the elevator proper but in a separate building.
- (3) There shall be no doors, spouts or other connection between the seed treating building and the licensed premises.
- (4) The use of country elevator scales for weighing treated grain is prohibited.
- (5) The storage of treated seed in licensed premises is prohibited.

Out of Condition Grain

26. (1) Where tough, damp, moist or wet grain is taken into store at an elevator, it shall be taken in at the owner's risk of deterioration and the elevator manager may ship it immediately to a terminal elevator for treatment.

(2) Tough, damp, moist and wet grain that contains an excessive amount of snow and ice may be handled in accordance with such agreement for handling as may be made between the owner of the grain and the elevator manager.

Dockage on Grain

27. (1) A licensee shall

- (a) equip each elevator of the licensee that receives grain set out in Column I of an item in Schedule E with the

dockage testing equipment set out in respect of that grain in Column II of that Schedule;

- (b) maintain that equipment in good condition;
- (c) permit an officer of the Board to inspect that equipment at any time; and
- (d) comply with any instructions given by an officer of the Board in respect of the care and maintenance of that equipment.

(2) A Carter Dockage Tester or other sample cleaning machine may be used in addition to the equipment described in Schedule E for the determination of dockage by aspiration in any grain if an unreasonable amount of grain is not thereby removed as dockage.

(3) The manager of an elevator shall make an accurate determination of the dockage on grain submitted to him by

- (a) taking a representative sample of the grain of not less than five hundred grams or one pound;
- (b) testing the sample with the equipment prescribed for that grain in subsection (1) and handpicking, if necessary, any portion not separable by sieves or machines; and
- (c) computing the dockage to the nearest one-half per cent.

(4) Where the owner of grain so requests, the test to determine the dockage on his grain shall be made in his presence.

(5) Where more than one size of sieve is set out in respect of grain in Schedule E, the largest of the top sieves and smallest of the bottom sieves that will remove dockage satisfactorily shall be used.

Maximum Tariff

28. (1) A charge may be made for services provided in respect of grain at a public country elevator.

(2) The charge for a service described in Column I of an item of Schedule B shall be fixed on the basis set out in Column II of that item and shall not exceed the rate set out in Column III of that item.

(3) The charges prescribed in subsection (2) shall be based on the gross weight to account for of the grain delivered as shown on the receipt or ticket issued in respect of the grain.

29. For the purposes of section 28, "gross weight to account for" means the unload or converted unload weight of the grain less a deduction to cover invisible loss and shrinkage

- (a) in the number of pounds set out, in respect of the weight of grain delivered, in Table 1 of Schedule F where the shrinkage is deducted before the unload weight of the grain is converted to bushels and tenths; or

- (b) in the number of bushels set out, in respect of the number of bushels of grain delivered in Table 2 of Schedule F where the shrinkage is deducted after the unload weight of the grain is converted to bushels and tenths.

Grain Treated with Poisonous Materials

74. (1) No person shall offer for storage or sale at a licensed elevator any grain that has been treated with mercurial compounds or other poisonous materials or any grain mixed with other grain that has been so treated.

(2) Except with the permission of the chief grain inspector, no car lot of grain found to contain grain treated with mercurial compounds or other poisonous materials shall be moved to any destination

Extraneous Materials

74A. No person shall wilfully or carelessly cause or permit glass or other extraneous material to be introduced into or remain in grain or grain screenings under the jurisdiction of the Board.

Shipment of Infested Grain

75. (1) Grain in country elevators that is infested with insects or other pests of kinds or species that cause deterioration of stored grain shall be fumigated before or at the time of loading in accordance with the current instructions issued by the Entomologist, Board of Grain Commissioners, Winnipeg.

(2) An application to the Board for cars out-of-turn to move fumigated grain shall be:

- (a) supported by an affidavit attesting to a satisfactory fumigation kill; and
- (b) accompanied by a representative sample of not less than one and one-half pints of the grain from the fumigated annex or bin in a container that does not permit insects to escape.

(3) Except where otherwise directed by the Board, railway companies shall only accept grain fumigated for insects and pests for shipment to terminal elevators at Fort William or Port Arthur.

(4) Only grain from a fumigated annex or bin or grain being fumigated in transit shall be loaded into an out-of-turn car supplied for fumigated grain.

(5) Bills of lading and waybills for cars of fumigated grain shall carry the notation "Fumigated — Hold for Cleaning".

(6) A country elevator licensee shall not, during the loading of fumigated grain into railway cars, receive or load out any other grain.

(7) Upon being emptied, an annex or bin which contained infested grain shall be cleaned out and treated with insecticides in accordance with the current instructions issued by the Entomologist, Board of Grain Commissioners, Winnipeg.

77. The issuance of a licence imposes on the licensee an obligation

(a) to comply with the Act and these Regulations;

(b) not to transfer the licences; and

(c) in the case of a licence for an elevator,

(i) to store all grain received for storage in the building or buildings described in the application,

(ii) to suspend from employment as an elevator operator any person who is convicted of an offence against the Act, these Regulations or an Order made under the Act, and

(iii) not to employ or reinstate as an elevator operator, any person who to his knowledge has been convicted of such an offence, except with the permission in writing of the Board.

FORM 1.

Schedule K.

FORMS.

SPECIAL BIN ELEVATOR RECEIPT.

Scale Record	
GROSS WEIGHT	_____ LBS.
WAGON WEIGHT	_____ LBS.
GRAIN UNLOADED	_____ LBS.

STATION _____ 19 ____ No. _____

NAME OF LICENSEE _____

RECEIVED THIS DAY FOR STORAGE FROM _____

GROSS GRAIN WEIGHT		KIND OF GRAIN	TO BE SEPARATELY BINNED IN BIN NO.
BUSHEL	TENTHS		

GROSS GRAIN WEIGHT

(in Words).....

A sample of the said grain has been taken in the prescribed manner and is identified as

The charges payable in respect of the grain above described shall be as follows:

- (a) For receiving, handling and shipping the said grain including storage and insurance against loss by fire on this day and for fourteen days thereafter _____ cents a bushel.
- (b) For cleaning the said grain _____ cents a bushel.
- (c) For storage and insurance against loss by fire for each day or part thereof following the expiration of the fourteen days above referred to _____ of one cent a bushel.

Upon the surrender of this receipt and the payment or tender of all lawful charges in respect of the grain above described the said identical grain will be delivered to the holder of this receipt at his option either:

- (a) by its discharge into a railway car or other conveyance upon the same being made available for loading at this elevator, or
- (b) by the substitution for this and like receipts, together covering a quantity not less than a carload lot, of a warehouse receipt for the said identical grain issued in the prescribed form by a terminal elevator to which shipment of the said grain, upon notice or otherwise, is authorized by The Canada Grain Act, conformity between the weight above stated and the weight determined on government weighing at the time of such delivery being guaranteed.

By..... Agent of Licensee.

GRAIN UNLOADED	BUSHEL	TENTHS

SCREENINGS ETC. CLEANED OUT	FOR GRAIN CLEANED

GROSS WEIGHT AFTER CLEANING

SHRINKAGE ALLOWANCE	
GROSS GRAIN WEIGHT	

Special Bin Elevator Receipt

Form 2.

CLEANING RECEIPT.

SCALE RECORD

GROSS WEIGHT	LBS.	
WAGON WEIGHT	LBS.	
GRAIN UNLOADED	LBS.	
GRAIN UNLOADED (not subject to shrinkage deduction)	BUSHEL	TENTHS
CLEANING RECORD		
CLEANED GRAIN	LBS.	
SCREENINGS	LBS.	
LOSS OR WASTE IN CLEANING	LBS.	

If Screenings are not Returned to Owner, the Operator must State their Disposition below,

DESTROYED _____ LBS.
 STORED _____ LBS.
 ADDED TO
 GRAIN _____ LBS.

CLEANING RECEIPT

(NAME OF LICENSEE)

No. _____

STATION _____ DATE _____

RECEIVED FROM _____

➡ _____ BUSHEL OF
 (Show in words, amount of grain unloaded)

Kind of Grain _____ Grade _____

To be cleaned and the cleaned grain returned to owner and screenings disposed of as authorized below. _____ Operator

CHARGES for receiving, handling, cleaning and for redelivery including insurance against loss by fire, at _____ cents per gross bushel.

TOTAL CHARGE \$ _____

Proceeds deposited with Payor,
 Deposit No. _____

OR
 Total charge deducted from Cash
 Purchase Ticket No.

RETURN OF GRAIN AND SCREENINGS

I hereby certify that I have received my cleaned grain and (strike out words that do not apply)

1. MY SCREENINGS
2. WAIVE ALL CLAIM TO THE SCREENINGS

 Owner of Grain

GRADED STORAGE RECEIPT.

Scale Record	
GROSS WEIGHT	_____ LBS.
WAGON WEIGHT	_____ LBS.
GRAIN UNLOADED	_____ LBS.

	BUSHELS	TENTHS
GRAIN UNLOADED		
SCREENINGS ETC. CLEANED OUT		
GROSS WEIGHT AFTER CLEANING		

SHRINKAGE ALLOWANCE		
GROSS GRAIN WEIGHT		
DOCKAGE		
NET WEIGHT		

Graded Storage Receipt

STATION _____ 19____ No. _____

NAME OF LICENSEE) _____

RECEIVED THIS DAY FOR STORAGE FROM _____

GROSS GRAIN WEIGHT		KIND OF GRAIN	THE AGREED GRADE OF WHICH IS	SUBJECT TO DOCKAGE OF	
BUSHELS	TENTHS			MATTER OTHER THAN CEREAL GRAIN	OTHER CEREAL GRAINS
				%	%

NET WEIGHT

(in Words).....bushels.....TENTHS.....

The charges payable in respect of the grain above described are to be calculated from.....

and are as follows:

(a) For receiving, handling and shipping the said grain, including storage and insurance against loss by fire on the last mentioned date and for fourteen days thereafter.cents a bushel.

(b) For cleaning the said grain.....cents a bushel.

(c) For storage and insurance against loss by fire for each day or part thereof following the expiration of the fourteen days above referred to.....of one cent a bushel.

Upon the surrender of this receipt and the payment or tender of all lawful charges in respect of the grain above described, the above quantity of grain of the grade above specified will be delivered to the holder of this receipt at his option either:

(a) by its discharge into a railway car or other conveyance made available for loading at this elevator, or

(b) by the substitution for this and like receipts, together covering a quantity not less than a carload lot, of a warehouse receipt for grain of the same quantity and grade, and subject only to the dockage above specified, issued in the prescribed form by a terminal elevator to which shipment of the said grain is authorized by The Canada Grain Act upon notice or otherwise.

By.....Operator.

FORM 5.

INTERIM ELEVATOR RECEIPT.

Scale Record	
GROSS WEIGHT	_____ LBS.
WAGON WEIGHT	_____ LBS.
GRAIN UNLOADED	_____ LBS.

NAME OF LICENSEE) _____ STATION _____ 19__ No. _____

RECEIVED THIS DAY FROM

GROSS GRAIN WEIGHT		KIND OF GRAIN	THE GRADE OF SUCH GRAIN NOT HAVING BEEN AGREED UPON BUT BEING CONSIDERED BY THE UNDERSIGNED TO BE
BUSHELS	TENTHS		

GROSS WEIGHT

(IN WORDS)

_____ BUSHELS _____ TENTHS

GRAIN UNLOADED	BUSHELS	TENTHS
SCREENINGS, ETC.		
CLEANED OUT		
GROSS WEIGHT AFTER CLEANING		

A sample of the said grain has been taken in the prescribed manner and is identified as _____

The charges payable in respect of the grain above described shall be as follows:

(a) For receiving, handling and shipping the said grain including storage and insurance against loss by fire on this day and for fourteen days thereafter _____ cents a bushel.

(b) For cleaning the said grain _____ cents a bushel.

(c) For storage and insurance against loss by fire for each day or part thereof following the expiration of the fourteen days above referred to _____ of one cent a bushel.

Upon the surrender of this ticket after the receipt of the government report as to the grade of the above sample and dockage to be made therefrom, there shall be issued in lieu hereof an ordinary elevator receipt or cash purchase ticket for grain of the grade reported by the inspecting officer, subject to the dockage specified, or on payment or tender of all lawful charges in respect of the grain above described the above quantity of grain of the grade and subject to the dockage determined on Government Inspection of the sample above described will be delivered to the holder of this receipt at his option either:

- (a) by its discharge into a railway car or other conveyance made available for loading at this elevator, or
- (b) by its substitution for this and like receipts, together covering a quantity not less than a carload lot, of a warehouse receipt for grain of the same quantity and grade and subject only to the dockage above specified, issued in the prescribed form by a terminal elevator to which shipment of the said grain is authorized by The Canada Grain Act upon notice or otherwise.

Interim Elevator Receipt
(Subject to Grade and Dockage)

SHRINKAGE ALLOWANCE	
GROSS GRAIN WEIGHT	

BY _____ OPERATOR _____

INTERIM CASH PURCHASE TICKET.

<p>NAME OF LICENSEE) _____</p>		STATION _____	19__ No. _____
<p>PURCHASED FROM _____</p>			
<p>GROSS GRAIN WEIGHT _____</p>		BUSHELS _____	TENTHS _____
<p>(IN WORDS)</p>			
<p>KIND OF GRAIN _____</p>		<p>THE GRADE OF WHICH HAS NOT BEEN AGREED UPON BUT WHICH THE UNDERSIGNED CONSIDERS SHOULD BE GRADED AS _____</p>	

Scale Record	
GROSS WEIGHT _____	LBS.
WAGON WEIGHT _____	LBS.
GRAIN UNLOADED _____	LBS.

BUSHELS		TENTHS
GRAIN UNLOADED		
SCREENINGS, ETC.		
CLEANED OUT		
GROSS WEIGHT AFTER CLEANING		

And which is purchased subject to Government grading and dockage of the sample hereunder mentioned at a price of cents per bushel for spread between (in words) (naming basic grade)

grades to be determined by the spread existing on this day.
 A sample of the said grain has been taken in the prescribed manner and is identified as
 Upon the surrender of this ticket after the receipt of the Government Report as to the grade of the above sample and the dockage to be made therefrom an Ordinary Cash Purchase Ticket will be issued in lieu hereof, or the amount of the purchase money less any advance payment of which the receipt is hereunder acknowledged, will be forthwith paid.

Received.....dollars on account of the (number)
 purchase price above mentioned.

SHRINKAGE ALLOWANCE	
GROSS GRAIN WEIGHT	

VENDOR _____ OPERATOR _____

Interim Cash Purchase Ticket

KF 1924 G7 C22 1966

CANADA

HAND BOOK ON THE SALE AND
HANDLING OF GRAIN THROUGH A
39811410 SCI



000017018102

KF 1924 G7 C22 1966

Canada.

Hand book on the sale and
handling of grain through a
39811410 SCI

LOAN

A1280



ROGER DUHAMEL, F.R.S.C.
Queen's Printer and Controller of Stationery,
Ottawa, 1966
Cat. No. A93-1066